



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,372	06/25/2007	Dan Lundgren	NOBEL.B.303A	8124
29995 7590 06/23/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
LEWIS, RALPH A				
ART UNIT		PAPER NUMBER		
3732				
NOTIFICATION DATE		DELIVERY MODE		
06/23/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary

Application No.

10/591,372

Applicant(s)

LUNDGREN, DAN

Examiner

Ralph A. Lewis

Art Unit

3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date 9/01/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Objection to the Claims

Claims 1-11 are objected to under 37 CFR 1.75(i) which requires each element or step of the claimed invention to be separated by a line indentation.

Rejections based on 35 U.S.C. 112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear how the "component" of line 2 relates to the "component" of line 3. The examiner suggests different names or designations (e.g. "first component" and "second component") in order to avoid confusion between the two different elements. In line 6, there is no clear antecedent basis for "the lumen."

In claim 6 "threads have double entrances"? Is applicant referring to what is commonly called double or multiple threading?

In claim 7, is applicant intending to claim that the implant surface is roughened?

In claims 8 and 9, it is unclear what constitutes a "compact implant." It is indefinite to define the claimed implant with respect to some undisclosed and prior art implant.

In claims 10 and 11, the use of parentheses in US claims is reserved for reference numerals in the drawings, not alternative language and limitations.

Rejections based on Prior Art

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bostrom (US 3,732,621).

In Figure 6 Bostrom discloses a dental implant 27 for insertion into bone tissue. The implant 27 is tubular having a closed first end 28 to which prosthetic component 33 is attached. The opposite lower end of the tubular implant is open and to be inserted into the patient's bone. The implant has an impermeable side wall above the illustrated lower transverse openings, is threaded, has a shoulder stop mark 66 and a conical cavity that extends up into the end wall at the implant upper end. The manner in which applicant intends for the claimed device to be used fails to impose any objectively ascertainable structural distinctions from the device disclosed by Bostrom.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bostrom (US 3,732,621) in view of Zuest (US 5,591,029).

In regard to claim 6 Zuest discloses for dental implants that it is desirable to provide the implant with multiple threading in order to "allow for quick and solid engagement into a tapped bone site" (column 15, lines 30 and 31). To have provided the Bostrom implant with multiple threading in order to provide for quick solid engagement of the implant with the bone would have been obvious to one of ordinary skill in the art in view of the teaching by Zuest. In regard to claim 7, Zuest teaches that it is desirable to provide for implants with a coating in order to improve adhesion (column 15, lines 63, 64, 65). To have provide the Bostrom implant with a coating in order to improve bone adhesion would have been obvious to one of ordinary sill in the art in view of the teaching by Zuest. Finally, Zuest teaches that it is often desirable to make dental implants "very short" in order to avoid "risking interference with the mandibular nerve" (column 16, lines 25 and 26). To have shortened the length of the Bostrom implant in order to avoid risking interference with the mandibular nerve would have been obvious to one of ordinary skill in the art in view of the teaching by Zuest.

Prior Art

Applicant's information disclosure statement of March 23, 2003 has been considered and an initialed copy enclosed herewith.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(571) 272-4712**. Fax (571) 273-8300. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Cris Rodriguez, can be reached at (571) 272-4964.

R.Lewis
June 17, 2008

/Ralph A. Lewis/

Primary Examiner, Art Unit 3732